



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

08/353,008

12/09/1994

TIMOTHY M. SKERGAN

AT993110

1442

42640

7590

04/29/2009

DILLON & YUDELL LLP

8911 NORTH CAPITAL OF TEXAS HWY

SUITE 2110

AUSTIN, TX 78759

EXAMINER

OSORIO, RICARDO

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

04/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 08/353,008	<b>Applicant(s)</b> SKERGAN, TIMOTHY M.	
	<b>Examiner</b> RICARDO L. OSORIO	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### DECISION OF THE BOARD OF APPEALS AND INTERFERENCES

#### DECISION

The following is the decision filed 6/19/2001 taken by the Board of Appeals on this case:

The decision of the examiner rejecting claims 1 through 14 under 35 U.S.C. § 102(b) is affirmed as to claims 1 through 5 and 10 through 14, and is reversed as to claims 6 through 9. Accordingly, the decision of the examiner is affirmed-in-part.

#### EXAMINER'S AMENDMENT

1. Affirmed claims are now being cancelled.

**Cancel claims 1-5 and 10-14.**

#### *Claim Rejections - 35 USC § 102*

1. The present examiner has found that claim 6 and 9 can be rejected by the same reasons as claims 1-5 and 10-15 were previously rejected, as follows:

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Claris (same reference that has been used in case history).

Claris teaches an improved system for selecting points within a display device of a data processing system, said data processing system including a single graphical pointing device, comprising: displaying a plurality of graphical pointers (see Figure 3-24) as broadly interpreted; temporarily selecting one graphical pointers among the plurality of graphical pointers; manipulating said one graphical pointer in response to operation of a single graphical pointing device (see Figure 3-24). However, as mentioned in the response section of the final office action, the graphical pointers are the scroll arrows on a window (see Figure 1-17). All of the graphical objects in Figure 3-24 can be displayed on the window of Figure 1-

Art Unit: 2629

17. Clicking on one of the scroll arrows would read on selecting a point within the display device because the scroll arrow is a point on the window which is within the display device. Said point specifies a position of the selected graphical pointer (see Figure 1-17) and it can be at different positions on the display device depending on the size of the window. There are total of four graphical pointers on the window for scrolling up, down, left and right, therefore, a subset of the plurality of graphical pointers would include one graphical pointer and at least a second graphical pointer. Each graphical pointer (or scroll arrow) is a switch, closure of which selects a point within the display device. When the window is resized, for example, to full screen or half screen within the display device, the second graphical pointer would be moved to a position determined from a position of the first graphical pointer.

As to claim 7, Claris does not specifically disclose that said graphical pointing device is a mouse.

Examiner takes Official Notice that at the time the present application was filed the mouse was already broadly known as a conventional and optional type of graphical pointing device.

As to claim 8, Claris does not specifically disclose a mouse button switch.

Examiner takes Official Notice that at the time the present application was filed the mouse with at least one mouse button switch was already broadly known as a conventional and optional type of graphical pointing device.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO L. OSORIO whose telephone number is (571) 272-7676. The examiner can normally be reached on MONDAY-THURSDAY 7:00 am-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AMARE MENGISTU can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RICARDO L OSORIO/  
Primary Examiner, Art Unit 2629